

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Bison School District**  
**Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Linda Shirley, Team Leader; Mary Borgman Educational Specialist

**Dates of On Site Visit:** October 20, 2011

**Date of Report:** February 3, 2012

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;

- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full s

### **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

#### **ARSD 24:05:22:03 Certified child**

A certified child is a child in need of special education or special education and related services formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**24:05:25:03. Preplacement evaluation.** Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

**24:05:25:04.03. Determination of eligibility.** Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

#### **Corrective Action:**

##### **Prong 1: Correct each individual case of noncompliance**

Evaluation data to support eligibility category and/or services provided was not consistently available in the student record.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student: #1</b> This student is identified on the December 1, 2010 child count under the eligibility category of specific learning disability. With related services in the areas of fine motor, gross motor and speech and language. The prior notice states gross motor to be evaluated. The student is receiving physical therapy services; however there is no record of an evaluation given for gross motor.	<b>Student: #1</b> The district will evaluate in the area of gross motor. Evaluation reports will be written in the areas of gross motor, achievement, articulation, language, and BOT. There were no skill based assessments in the areas of achievement, articulation, language or gross motor. The IEP team must meet to review	Data To Be Submitted: (Describe the specific data that must be submitted for each file) <b>Student: #1</b> The district will submit the following: <ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Copies of skill based assessments</li> </ol>

The MDT states the BOT was given; however there are no scores or report for this evaluation. There are no written reports for the areas of achievement, articulation, and language. There is no skill based assessment in the areas of eligibility.	scores and reports amend the IEP if needed and determine eligibility. Copies of evaluation reports including skill based assessments must be given to the parents.	<ol style="list-style-type: none"> <li>4. Prior notice for the meeting</li> <li>5. Addendum for the meeting and determination of needed services.</li> </ol>
<u>Student: #2</u> This student is identified on the December 1, 2010 child count under the eligibility category of cognitive delay. The prior notice states adaptive behavior, social and fine motor. There is no record of these evaluations being completed. The student is receiving fine motor services. There is no achievement report completed. No skill based assessments were done in the areas of eligibility.	<u>Student: #2</u> The student will be evaluated in the areas of adaptive behavior, social and fine motor. Evaluation reports will be written in the areas of adaptive behavior, achievement, fine motor and social. Skill based assessment will be given in all areas of disability. The IEP team will meet review scores and reports amend the IEP if needed and determine eligibility. Copies of evaluation reports will be given to parents.	<u>Student: #2</u> The district will submit the following: <ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Copies of skill based assessments</li> <li>4. Prior notice for the meeting</li> <li>5. Addendum for the meeting and determination of needed services.</li> </ol>
<u>Student: #7</u> This student is identified on the December 1, 2010 child count under the eligibility category of vision loss. Evaluations were not completed in the areas of ability and adaptive behavior.	<u>Student: #7</u> Evaluation reports will be written in the areas of ability, and adaptive behavior. The IEP team must meet to review scores and reports amend the IEP if needed.	<ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Prior notice for the meeting</li> <li>4. Addendum for the meeting and determination of needed services.</li> </ol>
<u>Students # 3, 4, 6</u> There are no reports for achievement, and no skill based assessments completed in the area of disability.	<u>Students # 3, 4, 6</u> Evaluation reports will be written in the areas of achievement. Skill based assessments will be given in the areas of disability, and reports written and given to parents. The IEP team must meet to review scores and reports amend the IEP if needed.	<u>Students # 3,4,6</u> The district will submit the following: <ol style="list-style-type: none"> <li>1. Prior notice for the meeting</li> <li>2. Copies of all evaluation reports</li> <li>3. Copies of skill based assessments</li> <li>4. Addendum for the meeting and determination of needed services.</li> </ol>

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:**

The IEP team must consistently collect all data to address correct eligibility for each individual student. The district must consistently implement skill based assessment as part of the evaluation process and develop evaluation reports that can be given to parents. The skill based assessment must be used when determining eligibility/educational impact and used in the development of the student's educational program (IEP).

**Data To Be Submitted:**

In the event a student is referred for evaluation, requires a reevaluation or transfers into the district from an in-state or out of state the district will submit the following documentation to support the required action if applicable:

1. Referral document
2. The prior notice/consent for evaluation
3. Copies of all the evaluation reports including skill based assessment and transition
4. Copy of the prior notice for the eligibility/IEP meeting/transfer
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

**Target Date for Completion: May 15, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

**2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
  - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
  - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
  - (b) Meet each of the student's other educational needs that result from the student's disability;

**Corrective Action:****Prong 1: Correct each individual case of noncompliance**

Student program was not developed to provide educational benefit

**Student:**

**Required Action:**

**Data To Be Submitted:**

<b>Student #7</b> Goals/services did not link to evaluation results and did not consistently include services pertaining to the area of disability/eligibility. Vision loss is not mentioned on the PLAAFs, and the only goal is for typing for this student.	The IEP team will review and revise current IEP. The IEP must contain all required content information and be developed to meet the educational needs of the student based upon the evaluation and eligibility results.	1. Prior notice for the meeting 2. Copy of IEP or addendum of meeting.
<b>Timeline for Completion: March 10, 2012</b>		

<b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.</b>		
<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following: <ul style="list-style-type: none"> <li>• District procedure for referral, informal review, initial evaluation or review of existing data and reevaluation.</li> <li>• Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.</li> <li>• Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.</li> <li>• Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.</li> <li>• Determining eligibility and completing the eligibility documents.</li> <li>• Developing an IEP that provides educational benefit.</li> </ul>		
<b>Data To Be Submitted:</b> Data submitted for General supervision # 1 will be used to verify correction to this issue.		
<b>Target Date for Completion:</b> <b>May, 2012</b>		
<b>All non-compliance must be corrected within 1 year of this report date.</b>		
<b>Date:</b> <b>Status Report:</b>		

### **3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

Complaint Findings: Complaint received from South Dakota Advocacy Services on 5/12/11.

#### **Corrective Action:**

<b>Student: Student #8</b>	<b>Required Action:</b>	Complaint Status:
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<p>Complaint Summary:</p> <ol style="list-style-type: none"> <li>1. The IEP team did not use a multidisciplinary team to complete a comprehensive evaluation. The evaluation was completed by one evaluator and skill based assessment was no included.</li> <li>2. A non-verbal psychological test was given with no explanation. The student is not considered non-verbal.</li> <li>3. A sub-test was used to determine eligibility at the initial placement.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Bison staff and the Northwest Area Educational Schools Cooperative were to attend a training that covers the special education process (referral to placement).</li> <li>2. Proceed with the already approved IEE following all necessary evaluation requirements.</li> </ol>	<ol style="list-style-type: none"> <li>1. An in-service was completed for all general education and special education staff at Bison on 9-9-11. The special education staff and school psychologist also attended a full day of training on 9-14-11.</li> <li>2. IEE has been completed. The student is on an extended vacation and a meeting will be held upon return to school.</li> </ol>
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#### **STATE PERFORANCE INDICATORS:**

**Indicator 5:** Placement of Children Age 6-21

**A)** Percent of children with IEPs inside the regular class 80% of more of the day.

**State Target: 65% or higher**

**District Rate: 93.75%**

District Response: **All students are included in regular classes as much as possible. The regular education teachers and paraprofessionals use the student's modifications and adaptations to help the student be successful in the regular ed. class. We have 3 paraprofessionals in the elementary and 1 in the high school.**

**Indicator 8:** Parent involvement: percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (L = Response rate less than 15% of December 1, 2008 child count)

**State Target 64.2 or higher**

**District Rate: \***

District Response:

**Parents were involved in the IEP process at 100% but may not have filled out the surveys. We need to stress that these surveys very important and is our program report card. We also need to get parent feedback in how to improve our program.**